

CITY OF NEWPORT
Application for Local Act 250 Review of Municipal Impacts
Criteria 6, 7, & 10

NAMES:

1. Applicant(s) Name _____
Address _____
Email: _____ Phone _____

Legal form: [] individual [] partnership [] municipal gov't [] state gov't
[] corporation: date formed _____ place formed _____ date registered in Vt. _____
Legal interest in land: [] ownership in fee simple [] lease agreement [] contract to purchase
[] other: _____

2. Landowner(s) Name _____
Address _____
Email: _____ Phone _____

3. Names of others with significant interest(s) in the property:
Name _____
Address _____
Phone _____ Description of Interest (easement, right-of-way, etc.): _____

4. Contact person _____
Address _____
Email: _____ Phone _____ FAX _____

PROJECT DESCRIPTION:

5. Type: [] new project; [] expansion of project previously exempt from Act 250; [] amendment of existing Act 250 permit or permit condition (permit # _____)

6. General description of project (include number and size of buildings; use of buildings; number of lots; length of roads; etc.): _____

7. Construction duration _____; Duration of Permit Request (if project involves earth extraction or solid waste disposal) _____

LAND:

8. Total acres owned or controlled by applicant and landowner at project site _____; Acres in additional easements or rights-of-way _____; Acres committed to this project _____

9 Location: Town _____ Road _____
nearby landmark _____

10. Deed(s): Grantee's name as recorded _____
Book(s) _____ Page(s) _____ Date(s) _____ Town _____

OTHER INFORMATION:

11. Attach the following unless waived by the Zoning Administrator:
 Site plan or plot plan
 Schedule A - Adjoiner information
 Schedule B – Response to Criteria 6, 7, & 10.
 Municipal Impact Questionnaire
 School Impact Questionnaire

SIGNATURES:

12. I hereby swear that the information provided above or attached to this application is true and accurate to the best of my knowledge.

Signature of applicant(s) _____ Date _____

Please clearly print name(s) _____

13. I hereby authorize the processing of this application for the above project on land(s) that I own, control, or have significant property interest in. (attach letter if easier)

Signature of landowner(s) _____ Date _____

Please clearly print name(s) _____

For Administrative Use Only – 4/08

Application Number: _____ Submitted on: _____ Fee: \$250.00

Referred to Development Review Board on _____ - Meeting Date: _____

Granted: _____ Denied: _____ By: _____
Chair, Development Review Board

The decision regarding local Act 250 review is a rebuttable presumption under the provisions of 10 VSA Chapter 151 and this presumption may be overcome in proceedings under 10 VSA Chapter 151.

SCHEDULE B
Response to Criteria 6, 7 & 10

Criterion 6) Educational Services: Demonstrate that the project will not cause an unreasonable burden on the ability of local governments to provide educational services:

- a) Estimate the number of additional students who may attend the local schools as a result of this project. _____
 - b) Provide evidence that area schools will be able to accommodate these additional students. (Narrative response or School Impact Questionnaire)
-

Criterion 7) Municipal Services: Demonstrate that the project will not cause an unreasonable burden on the ability of local governments to provide municipal or governmental services:

- a) Check the municipal services that will be utilized: [] Police, [] Fire Protection, [] Solid Waste Disposal, [] Water Supply, [] Sewage Disposal, [] Road Maintenance, [] Ambulance.
 - b) Attach letters from representatives of any of the services checked above which indicate that the services are available and will not be unreasonably burdened by the project or submit a completed Municipal Impact Questionnaire or explain why the project will not result in a burden on municipal services.
-
-

Criterion 10) Local and Regional Plans: Demonstrate that the project conforms to the municipal plan and regional plan.

- a) Does the municipality have a duly adopted plan? If so, explain how the project conforms to this plan.
-
-

- b) Have local approvals/permits been obtained? [] Yes [] No. (Attach copies)

- c) Explain how the project conforms to the regional plan.
-
-

- b) Explain how the project conforms to a duly adopted capital program, if the town has one.
-
-

Guide to applying for Local Act 250 Review of Municipal Impacts

Criterion 6 -- Educational Services: If a project will have an impact on area schools, the applicant needs to demonstrate that the project will not create an unreasonable burden on the ability of the municipality to provide educational services. Act 60, the Vermont Equal Education Opportunity Act, provides each town with a block grant from the State Education Fund for the operating expense of educating each student in the school system. Therefore, the operating expenses of educating the additional students generated by the project are generally not considered to be a burden on the ability of the municipality to provide educational services. However, if the new students cause the need for an addition to the school or other capital improvements, applicants will need to address the potential financial burden to the municipality this may cause.

Applicants should indicate how many new students will likely reside at the project and what schools they may attend. Published statistics for numbers of children per household in the project's area may be available or you may want to look at comparable projects which already exist in the area. Most applicants also assume equal age distribution. Once this information is collected, applicants should contact the school district for a letter concerning its ability to provide educational services. The **School Impact Questionnaire** attached to the application may be helpful in this respect. If the school district has legitimate concerns, applicants should consider various mitigation measures as may be appropriate, such as impact fees, construction phasing, and the like.

When a project will introduce a large number of new employees to an area, the DRB may examine the ability of the area towns to provide school services to the employees' children.

Criterion 7 -- Municipal Services: Most projects require services from the municipality and applicants need to demonstrate that an unreasonable burden will not be placed on those services. Areas of concern usually include:

- fire and police protection;
- solid waste disposal (landfill, transfer station, etc.);
- sewage treatment;
- water supply;
- rescue service (volunteer or paid professional);
- road maintenance.

Applicants need to indicate what services they will need and why their project will not have an unreasonable burden on those services. In general, if the project demands services in no greater quantity than similar projects which already exist, then little problem is likely. If on the other hand, the project creates disproportionate burdens on one of these municipal services, some sort of mitigation may be appropriate. Applicants should contact the municipality early in the process to determine whether concerns exist.

Applicants may wish to use the **Municipal Impact Questionnaire** attached to the application form to make their case.

Note that because the City of Newport does not already provide solid waste disposal or rescue service, the focus should be on whether the municipality will have to adopt the service as a

result of the project or whether an adjacent municipality has to provide the service while receiving no tax revenues or fees.

Questions about municipal services should be directed to the City Manager.

Criterion 10 -- Local and Regional Plans: All projects must be in conformance with the municipal plan, the regional plan, and capital improvement plan.

In order to demonstrate compliance with a plan, applicants should provide copies of the relevant portions of the plan including the future land use map and copies of the policies which relate to appropriate uses for the district identified on the map. Applicants should also provide their own interpretation of the policies and describe how the project conforms to these policies. As with all criteria, the DRB must make its own determination of compliance with the local and regional plans. Simply attaching a letter from the local or regional planning commission indicating compliance in one or two sentences is not enough. Questions about local plans can usually be answered by the local planning commission or its staff.

Compliance with a regional plan can be accomplished in the same way as the local plan. Questions about the regional plan should be addressed to the staff of the regional planning commission. In cases where the local plan and the regional plan conflict as to the appropriate use or density of use, the DRB may apply the regional plan only to the extent that the project has regional impacts, such as traffic impacts which go beyond the immediate vicinity of the project.

Applicants should explain why any impacts on municipal services such as streets or sewers are consistent with the city's plans for expansion of the facilities. If not, mitigation measures should be considered. Questions about capital plans should be addressed to the city.

ACT 250
SCHOOL IMPACT QUESTIONNAIRE FOR RESIDENTIAL PROJECTS

This questionnaire is intended to help applicants gather evidence to submit under Criterion 6 - Educational Services. A letter or narrative from the Superintendent or appropriate school official may also serve as evidence.

APPLICANT TO COMPLETE:

Applicant Name: _____
Municipality: _____
Number of Lots or Units: _____
Estimated Number of Students _____ Source of estimate: _____

SCHOOL SUPERINTENDENT OR EQUIVALENT TO COMPLETE:

a) What schools under your supervision will provide educational services for families who will live in this project?

Elementary school _____
Middle school _____
High school _____

b) Do these schools have the capacity to accept the additional students listed above? (assume equal grade distribution) [] Yes or [] No

c) If "no", what is the deficiency? _____

d) What plans are in place to correct the problem, including any capital construction projects?

e) Do you have other comments? _____

f) Are you available, after sufficient notice, to answer questions related to the above statements at an Act 250 hearing? [] Yes or [] No

I certify the above information is true and accurate to the best of my knowledge.

Name

Position

Date

**ACT 250
MUNICIPAL IMPACT QUESTIONNAIRE**

This questionnaire is intended to help applicants gather evidence to submit under Criterion 7 - Municipal Services. A letter or narrative from the Town Manager, Selectboard Chair or appropriate official may also serve as evidence.

APPLICANT TO COMPLETE:

Applicant Name: _____

Municipality: _____

Title and Date of Site Plan Submitted: _____

TOWN MANAGER, DEPARTMENT HEADS, OR EQUIVALENT TO COMPLETE:

a) Does the municipality have the capacity to provide the following services without unreasonable burdens for the above project:

- | | | | |
|----------------------|------------------------------|-----------------------------|--|
| Fire Protection | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Mun. does not provide this service. |
| Police Protection | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Mun. does not provide this service. |
| Rescue Service | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Mun. does not provide this service. |
| Solid Waste Disposal | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Mun. does not provide this service. |
| Road Maintenance | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Mun. does not provide this service. |
| Water Supply | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Mun. does not provide this service. |
| Sewage Disposal | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Mun. does not provide this service. |

b) If "no", what are the deficiencies? _____

c) If the service is unavailable from the municipality, who provides the service so that the town doesn't have to? _____

d) Would the deficiencies occur without this project? Yes or No? If "no", what measures can the applicant take to alleviate the deficiencies? _____

e) If the deficiencies are common to many projects, does this project create burdens which are disproportionate to the taxes and user fees to be paid to the municipality? Yes or No? If "yes", does the municipality recommend the imposition of an impact fee or other means to mitigate any unreasonable burdens? _____

f) Are you available, after sufficient notice, to answer questions related to the above statements at an Act 250 hearing? Yes or No

I certify that the above information is true and accurate to the best of my knowledge.

Name

Position

Date